



DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE APRIL 28, 2011 GENERAL SESSION

1. Call to Order

Chairman MacKay called the General Session to Order at approximately 9:37a.m.

2. Roll Call

Present in Las Vegas: Commissioner Michael J. Klobardanz, Commissioner Monica B Metz, Administrative Attorney James Day, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Senior Deputy Attorney General David Newton. Present in Reno: Chairman Andrew J. MacKay, Deputy Commissioner Marilyn Skibinski. Not present: Chief Investigator Michael Bradford.

3. Pledge of Allegiance

Chairman MacKay led a recital of the Pledge.

4. **Approval of Agenda

Administrative Attorney James Day stated Item 17(d)7 should be initialed MBM not MJK. Senior Deputy Attorney General David Newton requested Item 17(d)23 be considered individually to allow for discussion. Approved 3-0 as amended.

5. **Approval of the Minutes of the March 24, 2011 Agenda Meeting

Approved 2-0, with Commissioner Klobardanz abstaining.

6. Briefings from the Commissioners

Chairman MacKay welcomed Commission Klobardanz back from the Taxicab Authority, thanked Chief Investigator Bradford for his assistance to the Taxicab Authority on several projects, and thanked Senior Deputy Attorney General David Newton for his assistance with a legal issue for the Labor Commissioner's Office.

7. Briefing from the Deputy Commissioner

Deputy Commissioner Skibinski described recent efforts at streamlining within the Agency, specifically mentioning the application process, the realignment of supervisory duties in Enforcement, and the reassignment of Program Officer duties.

8. Report of Legal Counsel

Senior Deputy Attorney General David Newton reported the Ambassador Motion to Consolidate the Petition for Judicial Review was granted and the Five-Star Petition for Judicial Review has been denied.

9. ****Applications for Fully Regulated Carriers**

- a) **Docket No. 10-04003** The Application of Smitty Movers, LLC for a Certificate of Public Convenience and Necessity (hereinafter, "CPCN") to operate as a household goods mover in the State of Nevada. (MJK)

Commissioner Kloberdanz summarized the application. Commissioner Metz questioned the timekeeping method to be used, and in response Mr. Smith indicated a sign-in sheet. Commissioner Metz asked if a time clock could be utilized and Mr. Smith agree to utilize a time clock. Mr. Smith conveyed his thanks for NTA assistance in Las Vegas and Reno. Approved 3-0

- b) **Docket No. 10-08004** The Joint Application of James N. Slater to transfer and of Craig E. Slater to acquire corporate stock of Slater Transfer and Storage, Inc., authorized to provide transportation of household goods under CPCN 3255. Staff investigation concluded.

Chairman MacKay summarized the application, indicated that he found no need for a hearing in this matter, and recommended approval. Applications Manager Liz Babcock stated there were no management or operational changes. Commissioner Metz requested Ms. Babcock's comments be made part of the Order. Approved 3-0

- c) **Docket No. 11-02001** The request of A & B Logistics, Inc. d/b/a Alpine Taxi for permission to extend their temporary discontinuance from April 1, 2011 through July 30, 2011 of services provided by A & B Logistics, Inc. d/b/a Alpine Taxi under CPCN 1085, Sub 1. Staff investigation concluded.

Chairman MacKay summarized the request and recommended approval. Approved 3-0.

- d) **Docket No. 11-03024** The temporary discontinuance from January 1, 2011 through June 30, 2011 of services provided by S&S Moving, Inc. under CPCN 3252. Staff investigation concluded.

Chairman MacKay summarized the request. Commissioner Metz expressed concern that the company discontinued service from January 1, 2011 thru March 28, 2011 prior to filing. Approved 3-0 from March 28, 2011 thru June 30, 2011, with 180-day limit to run from January 1, 2011.

10. ****Financial Rates and Tariffs**

- a) **Docket No. 11-03008** The Application of Bell Limo for approval of a tariff rate modification for charter limousine services conducted under CPCN 1217. Staff investigation concluded.

Yvonne Shelton summarized and expressed Staff support for the application. Chip Bell was present on behalf of Bell Limo and addressed the discussion as to mechanics of the online procedure. Approved 3-0 with the order amended to include financial analysis.

- b) **Docket No. 11-03009** The Application of Whittlesea Checker Taxi, Inc. for approval of a tariff rate modification for taxicab services conducted under CPCN 2118. Staff investigation concluded

Yvonne Shelton summarized and expressed Staff support for the application. Brad Bell was present on behalf of Whittlesea Checker Taxi and addressed the discussion as to the mechanics of the volume customer discount. Approved 3-0 with the order amended to show the financial analysis.

11. **Petition to Deviate from Regulations:

Docket No. 11-03003 Pursuant to NAC 706.1305, Whittlesea Checker Taxi (CPCN 2118) requests deviation from NAC 706.3745 (2) and (3) in order to allow a twelve month extension on the retirement dates of certain taxicabs. Staff investigation concluded.

Kimberly Maxson-Rushton was present on behalf of the Applicant and summarized the amended petition. Discussion between Chairman MacKay, Commissioner Metz, Commissioner Kloberdanz and Kimberly Maxson-Rushton resulted in the Petitioner's amendment of the petition to seek a six-month extension rather than 12 months. Ms. Rushton noted that low mileage on vehicles was unexpected due to unforeseen economic conditions. Commissioner Metz stated that the prior Yellow Cab deviation was granted based upon unexpected economic downturn coupled with many vehicles coming up for replacement in a short time; while here there is no hardship claimed. Denied 2-1, with Chairman MacKay dissenting.

12. **Request for Rulemaking Docket

Docket No. 11-04011 The request pursuant to NAC 706.3958 of Yellow Cab Co., Inc. and Reno Cab Company, Inc. that the Authority open a rulemaking docket to amend NAC 706.3745.

Michelle Baumgarner was present on behalf of Yellow Cab and Reno Cab Company and summarized the request. Commissioner Metz suggested tabling request until the end of the current legislative session to enable all rule making/regulation changes required by newly enacted legislation to be done at once. Chairman MacKay noted that despite the Governor's freeze on rulemaking, there is a likelihood that an exemption would be granted based on a beneficial impact. Approved 3-0, to be initiated after an exemption is granted by Governor Sandoval and awaiting any other new regulations required by new statutes.

13. **Petitions for Reconsideration

Docket No. 07-08015 The Petition for Reconsideration of Jacob Transportation Services, LLC d/b/a Executive Las Vegas of the Authority's March 3, 2008 final Order in Docket No. 07-08015, or alternatively the Application for expansion of authority to an unrestricted number of charter limousine vehicles.

Commissioner Metz summarized the matter and the standards for review of the order. James and Carol Jimmerson were present on behalf of the Applicant. Neal Tomlinson, Esq. was present on behalf of Interveners, Las Vegas Limousines and Airline Limousine Corporation. Commissioner Metz stated her recommendation to deny the Petition because it requests relief upon reconsideration that could not have been granted at the time of the issuance of the March 3, 2008 Final Order. During the discussion, Commissioner Metz suggested the word "temporary" be restored to the fleet restriction for the Petitioner, as its deletion was a clerical error. D. Neal Tomlinson asked that any Order state that the Petitioner can only change its fleet restriction through a full application under NRS 706.391. Petition dismissed by a vote of 3-0, with the word "temporary" to be restored to the fleet restriction for the Petitioner.

14. **Management Agreement

Docket No. 11-04010 Royalty Limos, LLC (CPCN's 1059.5 and 2149) and CLS Nevada, LLC (CPCN's 1011.4 and 2066.1) filed a Joint Application for approval of a management agreement pursuant to NAC 706.250. Specifically, the Applicants seek approval for CLS Nevada, LLC to manage the day-to-day operations of Royalty Limos, LLC.

Kimberly Maxson-Rushton was present on behalf of the Applicant and summarized the Joint Application. There was a brief discussion as to the term of the agreement. Approved 3-0

15. ** Discussion Item:

At the March 24, 2011 General Session, the Authority directed Staff to analyze the differences between charter limousines tariff rates for walk-up or “Kelly” transportation versus transportation prearranged by the passenger via telephone or the Internet. Authority Staff will report the results of its analysis.

Yvonne Shelton reported analysis between office rate (reservation made via telephone, internet, fax etc.) and kelly/walk-up rate, stating that the difference is between 20% and 33%. Owner Charles Horky of CLS Nevada addressed high end vehicles parked at hotels and the difference in rates. Chairman MacKay congratulated staff for the exhaustive work done on the analysis. Commissioner Metz requests pursuant to NRS 706.321(4), to a open docket to further staff research on the differences in upcharges, possible standardization in % of increase. Commissioner Metz’s request was approved by a vote of 3-0.

16. Notices (No action required)

- a) **Docket No. 11-03025** The voluntary cancellation by South West Auto Towing, LLC of CPCN 7226, Sub 2. Staff investigation concluded.
- b) **Docket No. 11-03026** The voluntary cancellation by Fox Limousine Charter, Inc. d/b/a Fox Charter of CPCN 2031. Staff investigation concluded.
- c) **Docket No. 11-03029** The temporary discontinuance from April 1, 2011 through September 30, 2011 of services provided by Luxury Vegas Transportation, Inc. d/b/a Luxury Vegas under CPCN 2104, Sub 1. Staff investigation concluded.

Chairman MacKay summarized all Notices. Approved 3-0

17. **Consent Items

Pursuant to a suggestion from Commissioner Metz, items 17(a)(1)-(4) were considered collectively. The four items were Approved by a vote of 3-0.

- a) Applications for Certificates of Public Convenience and Necessity to Provide Charter Bus Service
 - 1) **Docket No. 09-05029** The Joint Application of David Cree Crawford for authority to sell and transfer and of Richard D. Shebs to purchase and acquire 50% of Diamond Transportation, Inc., a carrier authorized to provide intrastate charter bus service within the State of Nevada under CPCN 2111. Staff investigation concluded.
 - 2) **Docket No. 10-10010** The Joint Application of Laurie Shebs on behalf of Richard D. Shebs for authority to transfer and of the Shebs Family Trust to acquire Diamond Transportation, Inc., a carrier authorized to provide intrastate charter bus service within the State of Nevada under CPCN 2111. Staff investigation concluded.
 - 3) **Docket No. 11-02017** The Application of Lumberjack Enterprises, LLC d/b/a Impulse Transportation Services for a CPCN to provide charter bus service within the State of Nevada. Staff investigation concluded.

- 4) **Docket No. 11-03012** The Application of Five Star Limo, LLC d/b/a Five Star Limobus for a CPCN to provide charter bus service within the State of Nevada. Staff investigation concluded.

b) Applications for Certificates of Public Convenience and Necessity to Provide Tow Car Service
Chairman MacKay summarized items 17(b)(1)-(4) and asked that all be considered collectively. The four items were Approved by a vote of 3-0.

- 1) **Docket No. 10-11010** The Application of 1 Touch Towing LLC d/b/a 1 Touch Towing for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded.
- 2) **Docket No. 10-11024** The Application of 24/7 Towing, Inc. for an expansion of authority to provide non-consent tow car service by tow car vehicle within the State of Nevada under CPCN 7238. Staff investigation concluded.

Kenneth Eady was present on behalf of 24/7 Towing, Inc. He thanked Rene Michels for her help in expanding his company.

- 3) **Docket No. 11-01007** The Application of Francisco A. Ramirez d/b/a Ram Towing for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded.
- 4) **Docket No. 11-01008** The Application of U.S.A. Towing, Inc. for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded.

c) Applications for Warehouse Permits

Docket No. 11-02012 The Application of Donald V. Hatt d/b/a Five Star Moving & Storage for a Warehouse Permit. Staff investigation concluded.

Chairman MacKay summarized the application. Approved 3-0

d) Administrative Citations and Impoundments

Items 17(d)(1) and 17(d)(23) pulled for further consideration. Items 17(d)(2) through (22) and (24) and (25) were considered collectively and approved by a vote of 3-0

- 1) **Citation 14481** issued to Gregory James Black for violations of NRS 706.386 and NRS 706.758. (AJM)

Respondent Gregory James Black was present and requested that the default findings be set aside and that he be granted a new hearing. Chairman MacKay granted the request, with the Citation hearing rescheduled for June 2, 2011 at 9:30 am.

- 2) **Impound 1530** The impoundment pursuant to NRS 706.476 of a vehicle registered to U-Haul of Arizona. (AJM)
- 3) **Impound 1646** The impoundment pursuant to NRS 706.476 of a vehicle registered to David Perez. (AJM)
- 4) **Citation 15211** issued to Darrell Telega for violations of NRS 706.386 and NRS 706.758. (MJK)

- 5) **Citation 15413** issued to Banyon S. Kutzen for violations of NRS 706.386 and NRS 706.758. (MJK)
- 6) **Impound 1758** The impoundment pursuant to NRS 706.476 of a vehicle registered to Valeria Esparza. (MJK)
- 7) **Impound 1789** The impoundment pursuant to NRS 706.476 of a vehicle registered to Darrell Jay Telega and Darlene E. Telega. (MJK)
- 8) **Impound 1646 and Citation 15407** The impoundment pursuant to NRS 706.476 of a vehicle registered to David Perez and Citation 15407 issued to David Perez and/or Swift Budget Towing for violations of NRS 706.386 and NRS 706.758. (MJK)
- 9) **Impound 1856 and Citation 15434** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15434 issued to Philip Edward Williams for violations of NRS 706.386 and NRS 706.758. (MJK)
- 10) **Citation 14120** issued to LD Tours LLC, for a violation of NAC 706.247/49 CFR 382.305(1)(3)(L). (MBM)
- 11) **Citation 15380** issued to Cory Levine for a violation of NRS 706.386. (MBM)
- 12) **Citation 15381** issued to Edgar Riviera-Zuniga and/or Majestic Luxury Service for violations of NRS 706.386 and NRS 706.758. (MBM)
- 13) **Citation 15412** issued to Delandro Davis and/or Majestic Luxury Service for violations of NRS 706.386 and NRS 706.758. (MBM)
- 14) **Impound 1854** The impoundment pursuant to NRS 706.476 of a vehicle registered to James Anthony Ware and Angel Luis Marquez. (MBM)
- 15) **Impound 1857** The impoundment pursuant to NRS 706.476 of a vehicle registered to U-Haul of Arizona. (MBM)
- 16) **Impound 1754 and Citation 15428** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15248 issued to Raul Maldonado for violations of NRS 706.386 and NRS 706.758. (MBM)
- 17) **Impound 1755 and Citation 15430** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15430 issued to Neculai Cazacu for violations of NRS 706.386 and NRS 706.758. (MBM)
- 18) **Impounds 1756 and 1757 and Citation 15411.** The impoundment pursuant to NRS 706.476 of two vehicles registered to and Citation 15411 issued to Majestic Luxury Service and/or James Anthony Ware and Angel Luis Marquez for violations of NRS 706.386 and NRS 706.758. (MBM)

19) Impound 1817 and Citation 15210. The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15210 issued to Jorgen Pless for violations of NRS 706.386 and NRS 706.758. (MBM)

20) Impound 1851 and Citation 15429 The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15429 issued to Sana Qadir for violations of NRS 706.386 and NRS 706.758. (MBM)

21) Impound 1855 and Citation 15432 The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15432 issued to Dean Van Dusseldorp for violations of NRS 706.386 and NRS 706.758. (MBM)

22) Citation 14988 issued to Abdigani Hussein Ali for a violation of NAC 706 as amended by LCB File No. R127-07(1).

23) Citations 15243 and 15244 issued to Exotic Limousine, Inc. for violations of NAC 706.229, NAC 706.140 and NAC 706.311.

Senior Deputy Attorney General David Newton requested to amend the order to reflect that the NAC 706.140 and NAC 706.311 violations are dismissed. Approved 3-0 with the requested changes.

24) Citation 15358 issued to Arman Potoyan for a violation of NAC 706.228.

25) Citation 15431 issued to The Tow Truck Company for a violation of NRS 706.4473.

18. Public Comment

None.

19. Adjournment

Chairman MacKay adjourned the General Session at approximately 12:30 p.m.

**** Denotes the Authority is expected to consider and may take action on this matter.**